IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 25407 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ISHAK ABDULLAH KALU - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR MA KHARADI for Petitioner(s) : 1,
MR KRUNAL PANDYA A.G.P. for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 12/04/2007

ORAL JUDGMENT

1. **RULE**. Mr. Krunal Pandya learned A.G.P., waives service of rule on behalf of the respondents. At the request of the learned advocates for the parties, the

matter is taken up for final hearing today itself.

2. The petitioner has approached this Court to make a grievance that his vehicle was requisitioned by the Police during communal riots which occurred in the year, 2002 and respondent no. 2 was required to pay to the petitioner the rent for the vehicle at the rate of Rs.1,000=00 per day. He has paid rent only at the rate of Rs.266=00 per day. The petitioner has further averred that the vehicle was Tata Sumo, which has the capacity of accommodating more than six persons.

3. I have heard Mr. Kharadi learned advocate for the petitioner and Mr. Pandya learned A.G.P., for the respondents. Mr. Kharadi has drawn my attention to the order passed by this Court in Special Civil Applications no. 2650/2004, 2651/2004 and 9168/2004 dated 18th October, 2005, wherein it was held that the owners of such vehicles are required to pay Rs.1,000=00 per day. He has also drawn my attention to the communication dated 15th March, 2003 addressed to the Director General of Police and Chief Police Officers of the State of Gujarat by the Home Department, Government of Gujarat, wherein it has been clarified that the vehicles which have capacity of accommodating more than six persons should be paid at the

rate of Rs.1,000=00 per day i.e., at the rate meant for contract carriage etc. Mr. Pandya submits that since this communication was not available with respondent no. 2, he has made the payment at the rate of Rs.266=00 per day. In view of the aforesaid, it is very clear that the petitioner is entitled to receive rent for his vehicle at the rate of Rs.1,000=00 per day for the period for which respondent no. 2 retained the vehicle. The total amount comes to RS.54,000=00 as per the averments made in the petition. In view of the same, respondent no. 2 is directed to pay the said amount to the petitioner without any delay.

4. With the aforesaid directions, the petition is allowed. Rule is made absolute with no order as to costs.

[Akshay H. Mehta, J.]

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